

5.10 Land Use and Planning

5.10.1 Environmental Setting

Utility Corridors

The proposed project would entail modification and removal of power lines and installation of supporting infrastructure (conductor, conduit, and poles) in the cities of San Diego and Del Mar. As described in detail in Chapter 4, “Project Description,” activities would occur along approximately 6 miles of existing overhead power line between the Del Mar Substation (northwest of the intersection of Interstate 5 [I-5] and Via de la Valle) and an existing steel pole located near the intersection of Vista Sorrento Parkway and Pacific Plaza Drive (TL666D). Project components would also be installed underground beneath San Dieguito Drive and Racetrack View Drive (C510) and beneath the Sorrento Valley Pedestrian/Multi-Use Path (C738).

This section evaluates potential land use impacts based on the physical changes to the existing environment that could be caused directly or indirectly by project construction (including activities at temporary workspaces) and operation. The significance of effects expected to result from the proposed project is evaluated according to the criteria presented in Table 5.10-1.

Existing Land Uses

Existing land uses adjacent to the proposed project’s utility corridors are presented here based on a review of maps prepared by the Planning and Community Development Department in Del Mar and the Planning Department of the City of San Diego, as well as field observations made during a site visit in March 2018. The proposed project’s four components account for a combined linear distance of approximately 8.0 miles of electrical transmission lines, part of a larger network in the greater project vicinity. The northernmost corridor alignment (TL6973D and TL674A) follows Via De La Valle westward adjacent hilly topography accommodating low-density residential neighborhoods, commercial businesses, and shopping centers, in addition to public parks, event centers, and open spaces, including San Dieguito River Park, Del Mar Horse Park, and Del Mar Fair Grounds.

North of Via Del La Valle, immediately west of I-5, the TL666D corridor follows a segment of the Coast to Crest Trail within the San Dieguito River Park, a large regional open space that extends from the Pacific coast in Del Mar to Volcan Mountain in the town of Julian. The Del Mar Fairgrounds is a regional destination located northwest of the San Dieguito Lagoon. It hosts the San Diego County Fair and a number of horse racing events throughout the year. The TL666D corridor spans the fairgrounds’ surface parking lot, its alignment roughly paralleling Jimmy Durante Boulevard.

The TL666D corridor aligns southward along San Dieguito Drive. To the east is San Dieguito Lagoon, a protected riparian open space with trails and a coastal boardwalk accessible from San Dieguito Drive near Jim Durante Boulevard, north of Crest Canyon. Low-density residential neighborhoods are located on the hillside west of San Dieguito Drive. South of Crest Canyon Park, north of the Del Mar Heights residential neighborhood, San Dieguito Drive becomes Racetrack View Drive. Existing TL666D pole and power line infrastructure continues overhead adjacent to Minorca Cove and behind the Del Mar Hills Elementary

School grounds, adjacent to I-5. Along Mango Drive, land uses in the TL666D corridor are residential and commercial until the Torrey Pines State Natural Reserve Extension area, which is protected open space. TL666D spans approximately 0.5 miles across the Torrey Pines Reserve Extension in a southerly alignment, where power lines cross residences and enter Los Peñasquitos Lagoon and Torrey Pines State Reserve, south of Carmel Valley Road and Portofino Drive. The utility corridor extends 0.8 miles through the Los Peñasquitos Lagoon, paralleling the Amtrak Pacific Surfliner passenger rail corridor and Peñasquitos Creek about a quarter mile to the east. It then follows Sorrento Valley Road for about 0.65 miles, at which point it crosses I-5 and connects to a 12-kilovolt (kV) tap on the eastern side of the freeway.

Project components would also be installed within a Class I (pedestrian and bicycle-exclusive use) segment of the Sorrento Valley Road Multi-use Trail, which originates at Carmel Valley Road and travels adjacent to I-5 (City of San Diego 2013). Industrial and commercial land uses are prevalent south of the Torrey Pines Natural Reserve reflected by the office buildings, warehouses, and automotive service centers in the area.

5.10.2 Regulatory Setting

Federal

No federal lands are located within the project area; therefore, no federal regulations related to land use are relevant to the proposed project.

State

California Coastal Act of 1976

The California Coastal Commission (CCC), in partnership with coastal cities and counties, plans and regulates development in the coastal zone in accordance with the California Coastal Act of 1976 (CCA). The CCA broadly defines “development” to include construction activities and the use of land and water within the coastal zone. Title 14, Section 13253 of the California Code of Regulations states that a Coastal Development Permit (CDP) is required for projects located within coastal zones that have the potential to damage the coastal environment, including utility projects. Section 13253 defines coastal zones as “property ... located between the sea and the first public road paralleling the sea or within 300 feet of... the mean high tide line of the sea where there is no beach.” Portions of the project area are within the coastal zone and are therefore subject to CCA regulations. The CCC delegates authority to issue CDPs to local permitting agencies with certified a Local Coastal Programs (LCPs). Local governments, in partnership with the CCC, use LCP implementing policies to guide future development activity within the coastal zone.

The cities of San Diego and Del Mar have certified LCPs that encompass the project area. The Coastal Zone is divided into a number of planning units. Within the city of San Diego, the proposed project would be located within the North City LCP. The North City LCP is divided into sub-segments, of which the following four are relevant to the proposed project: the Torrey Pines Community Plan, Torrey Hills Community Plan, Via De La Valle Specific Plan, and North City Future Urbanizing Subarea II (San Dieguito) Framework Plan. Policies in these plans have been designed to protect and enhance California’s coastal resources and to conform to LCPs in their respective areas.

Natural Community Conservation Planning Act

The Natural Community Conservation Planning Act of 1991 (NCCP) was designed to conserve natural communities at the ecosystem scale, while accommodating compatible land uses. The California Department of Fish and Wildlife (CDFW) is the principal state agency implementing the NCCP program. The NCCP, established in 1995 by agreement between SDG&E, the U.S. Fish and Wildlife Service, and California Department of Fish and Wildlife, represents an approach to the long-term preservation of sensitive habitat and animal species within an ecosystem where SDG&E's develops, operates, and maintains electrical facilities. Project components would be located on lands subject to SDG&E's Subregional NCCP, the County of San Diego Multiple Species Conservation Plan (MSCP), and the Water Authority's Subregional NCCP/ Habitat Conservation Plan (HCP). Relevant policies and protocols are discussed further in Section 5.4, "Biological Resources" and 5.9, "Hydrology and Water Quality." No relevant policies related to land use are contained within SDG&E's Subregional NCCP.

California Public Utilities Commission General Order No.131-D

The California Public Utilities Commission (CPUC) has sole and exclusive jurisdiction over the siting and design of the proposed project; therefore, CPUC projects are exempt from local land use regulations and discretionary permitting.¹ However, General Order No. 131-D, Section XIV.B states: "the public utility shall consult with local agencies regarding land use matters." Accordingly, the CPUC will continue to coordinate with the local agencies regarding the project components as they relate to land use. The public utility, under jurisdiction of the CPUC, is required to obtain any non-discretionary local permits (CPUC 1995).

Regional and Local

San Dieguito River Park Concept Plan

The San Dieguito River Park Concept Plan is operated under the San Dieguito River Park Joint Powers Authority agreement between the County of San Diego and Cities of Del Mar, Escondido, Poway, San Diego, and Solana Beach. The planning effort was initiated to preserve the San Dieguito River Valley's sensitive resources and rural character and to provide a concept for future recreational amenities within the planning area. The Joint Powers Authority intends for member agencies to adopt the Concept Plan and incorporate it into local planning documents accordingly. The Concept Plan has also been coordinated with the MSCP and its implementing agreements (San Dieguito River Park Joint Powers Authority 2002).

City of Del Mar Community Plan

The City of Del Mar Community Plan—also known as the city's General Plan—is Del Mar's "constitution for development." It comprises multiple elements that provide a comprehensive slate of citywide and location-based policies for growth and development. The Community Plan also includes policies to protect open space and habitat within the San Dieguito River Floodway and Lagoon, an area where a portion of the removal work associated with TL666D is proposed (City of Del Mar 1976).

¹ The CPUC does not require land use approval from a discretionary approval from a local agency body such as a planning commission, city council, or county board of supervisors.

City of Del Mar Local Coastal Plan

Del Mar's Local Coastal Plan is a compilation of goals, policies, and recommendations to achieve compliance with the CCA. The plan includes various mandatory elements pertaining to development of the coastline, preservation of natural and visual resources, and maximizing the physical use and enjoyment of the coastal zone by the public. The Land Use Plan, which is part of the Local Coastal Plan, is a compulsory LCP element that identifies the makeup of the community through a system of designations characterizing land uses for all property within the city. Policies in the Land Use Plan revolve around a central theme of preserving the existing character of Del Mar and its vicinity. (City of Del Mar 1993)

City of Del Mar Municipal Code

Del Mar's Municipal Code implements the designations identified in the Land Use Plan through the imposition of specific controls, requirements, and performance standards stipulating where certain types of uses may be permitted and how intensely such uses may operate. Within Del Mar, a portion of the existing TL666D utility corridor traverses land designated Commercial (Racetrack-Fairgrounds, North Commercial); Open Space (Floodway Zone); and Residential (Very Low Density Residential). (City of Del Mar 2017)

City of San Diego General Plan

The proposed project would be located in part within the city of San Diego. Approximately 1.28 miles of TL674A, 6.24 miles of TL666D, 1.06 miles of the C510 conversion, and 0.12 miles of the C738 conversion are within the city. The city's General Plan establishes the framework of policies, objectives, and land use designations to guide long-term development (City of San Diego 2015).

City of San Diego Municipal Code

The proposed project corridor would cross several zoning districts within the city of San Diego: Agriculture Residential, Commercial (Community Commercial, Commercial Visitor), Open Space (Open Space Park, Open Space Floodway), Residential (Very Low Density Residential, Residential Single Unit, Multiple Unit Residential, and Industrial (Industrial Light) (City of San Diego 2017). As previously discussed, the proposed project would not be subject to local discretionary regulations due to the CPUC's exclusive jurisdiction over electric transmission facilities in the state of California, pursuant to CPUC General Order No. 131-D (CPUC 1995).

Torrey Pines Community Plan and Local Coastal Program

The area covered by the Torrey Pines Community Plan comprises primarily open space and sensitive environmental resources, such as the San Dieguito Lagoon, Los Peñasquitos Lagoon, Torrey Pines State Reserve, and Crest Canyon. SDG&E infrastructure, including the Del Mar Substation and five overhead 69 kV power lines, is located within the Torrey Pines Community Plan area. Accordingly, the City of San Diego considers utility lines that traverse sensitive environmental resources to be impactful and should be rerouted as feasible. The Torrey Pines Community Plan includes implementing policies of the LCP specific to the community (City of San Diego 2014a).

Torrey Hills Community Plan

The area covered by the Torrey Hills Community Plan is bounded by Los Peñasquitos Canyon Preserve and I-5 and is located adjacent to the Torrey Pines and the Carmel Valley Community Plan areas (City of San Diego 2014b). An approximately 123-acre portion of the Torrey Hills Community Plan is located within the California Coastal Zone. This plan provides policies to guide future development within the coastal zone. SDG&E owns a 40-acre facility that accommodates a 230 kV substation located east of the project area. Major utility corridors connect to this substation within the area covered by the Torrey Hills Community Plan.

Via De La Valle Specific Plan

The approximately 125-acre area covered by the Vie De La Valle Specific Plan is located east of I-5 in the northwestern sector of the city of San Diego. A series of existing overhead kV transmission lines are located within a 150-foot-wide SDG&E easement within this planning area. A local coastal element-compatible land use policy for Via De La Valle indicates that utilities should be placed underground. (City of San Diego 1984)

North City Future Urbanizing Subarea II Framework Plan

The proposed project would be located within Subarea II near the San Dieguito River valley and within the California Coastal Zone. The North City Future Urbanizing Subarea II Framework Plan does not contain any specific policies that are relevant to the proposed project. (City of San Diego 2014c)

Conservation Plans

The following conservation plans include policies to preserve a network of habitat and open space land uses within the proposed project corridor in order to maintain ecosystems and biodiversity.

County of San Diego Multiple Species Conservation Program (MSCP)

The San Diego MSCP, governed by the County of San Diego, serves as an MSCP pursuant to Section 10(a)1(b) of the Endangered Species Act and a Natural Community Conservation Plan under the California Natural Communities Conservation Planning Act. The MSCP was developed to protect biodiversity and enhance the quality of life in the region through the preservation of a network of habitats and open space areas. The area covered by the San Diego MSCP is known as the Multiple Planning Habitat Area (MHPA). The MSCP outlines specific criteria and requirements for projects within the MHPA and authorizes take for 85 covered species. (City of San Diego 1998)

Local jurisdictions implement their respective portions of the San Diego MSCP Plan through subarea plans, which describe specific implementing mechanisms for the San Diego MSCP. The San Diego MSCP Subarea Plan, also referred to as the South County MSCP, applies to unincorporated lands within southern San Diego County. The City of San Diego has also adopted a subarea plan. Additionally, much of the proposed project would be within the northern area of the city of San Diego MHPA in Los Peñasquitos Lagoon and Torrey Pines State Natural Reserve Extension. The regional MSCP subarea plans collectively serve as a multiple species HCP pursuant to Section 10(a)1(b) of the federal Endangered Species Act.

The San Diego MSCP allows for the development of infrastructure and utility projects and road modifications within MHPA boundaries if a project is consistent with adopted community or subregional plans, and incorporates appropriate mitigation strategies and/or alternatives to minimize impacts to sensitive biological resources. Projects within the MHPA must demonstrate compliance with the land use considerations described in the MSCP that are intended to preserve biological resources. Utility lines are considered conditionally compatible with the MHPA when developed in accordance with the described measures. Projects within the MHPA must demonstrate compliance with the land use adjacency policies.

San Diego Gas & Electric Subregional Natural Community Conservation Plan (NCCP)

The current SDG&E NCCP was approved in December 1995 and authorized the take of 110 covered species resulting from SDG&E's ongoing activity impacts, including installation, use, maintenance, and repair operations and expansion of its systems (SDG&E 1995). The current NCCP prescribes as "operational protocols" various protection, mitigation, and conservation measures that SDG&E must implement as part of its covered activities to ensure the survivability and conservation of protected species and their habitat. The 61 operational protocols provided in the current NCCP include provisions for personnel training; pre-activity studies; and maintenance, repair, and construction of facilities, including access roads, survey work, and emergency repairs. The proposed project would located within the area where SDG&E's utility operations are currently covered by the current NCCP. SDG&E may elect to utilize their NCCP to permit the proposed project's impacts to covered species and their habitat. Relevant operational protocols are reflected in the topical analyses in this Initial Study as applicant-proposed measures, best management practices, or mitigation measures as warranted.

5.10.3 Environmental Impacts and Assessment

Applicant-Proposed Measures

No applicant-proposed measures are identified to address the topic of land use.

Significance Criteria

Table 5.10-1 includes the questions from Appendix G of the CEQA Guidelines to evaluate the proposed project's potential to cause environmental impacts related to land use based on the three significance criteria below.

Table 5.10-1 Land Use and Planning Checklist

Would the project:	Potentially Significant Impact	Less Than Significant with Mitigation Incorporation	Less Than Significant Impact	No Impact
a. Physically divide an established community?	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
b. Conflict with any applicable land use plans, policy, or regulation of an agency with jurisdiction over the project (including, but not limited to the general plan, specific plan, local coastal program, or zoning ordinance) adopted for the purpose of avoiding or mitigating an environmental effect?	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>

Table 5.10-1 Land Use and Planning Checklist

Would the project:	Potentially Significant Impact	Less Than Significant with Mitigation Incorporation	Less Than Significant Impact	No Impact
c. Conflict with any applicable habitat conservation plan or natural community conservation plan?	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>

a. Would the project physically divide an established community?

The physical division of an established community is typically associated with loss of mobility through a neighborhood or between a community and its outlying areas. For example, construction of a freeway could create a barrier to accessing an existing neighborhood just as removal of a roadway could limit accessibility that could potentially divide an established community. The area surrounding the proposed project supports a variety of uses, including recreation and open space, infrastructure, residential, commercial, and industrial. Residential communities exist along the entire proposed corridor.

As described in Chapter 4, "Project Description," the proposed project would involve removal and reconfiguration of approximately 6 miles of overhead 69 kV power line in designated corridors (TL666D; TL674A; C510 and C738) and implementation of the proposed project would neither disrupt nor divide surrounding communities. Because this activity involves the removal of an existing overhead power line, it would not physically divide an established community. Construction work would occur along the corridor alignments within existing city rights-of-way and SDG&E utility easements. Ancillary workspaces would function as access areas, stringing and or pole installation/removal sites, fly yards, and staging and/or lay-down areas for the storage of equipment and materials on a temporary basis. As illustrated in Table 5.10-2, most temporary workspaces would be established on land zoned for open space and for residential use. Fly yards and underground work areas would necessitate the greatest spatial needs by type of space.

Table 5.10-2 Temporary Work Spaces (in acres)

Type of Work Area	Zoning Categories ^(a)					
	Residential	Commercial	Industrial	Open Space	Misc.	Total
Drop Zone	0.01	-	0.01	0.04	-	0.06
Fly Yard	0.92	-	-	5.1	0.10	6.12
Guard Structure Work Area	0.03	0.02	0.01	0.01	0.01	0.08
Pole Work Area	0.36	0.05	0.09	0.23	0.03	0.76
Pole Work Area (Pedestrian Access Only)	0.05	-	-	0.07	-	0.12
Staging Yard	1.11	-	-	-	-	1.11
Stringing Site	1.09	0.38	0.23	0.44	0.32	2.46
Underground Work Area	1.61	2.80	0.01	0.59	-	5.01
Work Area	0.56	0.01	-	0.03	-	0.60
Acres by Zoning Category	5.74	3.26	0.35	6.51	0.46	16.32

Source: SanGIS 2016

Note:

^(a) Zoning districts are condensed and acreages are broadly represented for illustrative purposes in generalized categories.

Key:

Misc. = miscellaneous

- = no project work areas within lands designated under this zoning category

During construction, SDG&E would extend existing power lines underground that would require temporary lane closures for excavation within city streets to install duct banks, particularly along Via De la Valle. Pole removal and topping would occur along the entire project corridor, including within some residential areas, particularly near San Dieguito Drive, Minorca Way, Mango Drive, the area north of Carmel Valley Road, and near Del Mar Hills Elementary School. These activities may temporarily disrupt normal traffic flow between neighborhoods and businesses along Via De La Valle, San Dieguito Drive, and Racetrack View Road.

Although construction of the proposed project would require lane closures, construction traffic restrictions would be temporary and intermittent in duration. As described in Section 5.16, “Transportation and Traffic,” SDG&E would stage trenching operations to maintain vehicular and pedestrian traffic across areas that are not under active construction. In addition, as described in Chapter 4.0, “Project Description,” SDG&E would locate staging and fly yards within previously disturbed areas that are mostly industrial or commercial in nature (parking lots, vacant fields, etc.) as a means of limiting construction traffic on active roadways. As a result, the proposed project would not create permanent physical barriers that would divide established communities or isolate land uses, and the impact would be less than significant.

Once project construction is complete and the reconfigured circuitry is operational, the power lines would require occasional maintenance to ensure safety and reliability of the electrical network. Utility infrastructure would be maintained by SDG&E personnel in the same manner as it is currently. Similar to existing infrastructure, the proposed project would comprise overhead and underground lines, and maintaining these facilities would not conflict with or change the facilities’ relationship, compatibility, or functionality with adjacent land uses. Moreover, the removal and decommissioning of approximately 6 miles of 69 kV power lines on line TL666D would eliminate service demands and future maintenance needs within this corridor relative to existing conditions. As a result, implementation of the proposed project would neither create new barriers nor divide established communities. This impact would be less than significant.

Significance: Less than Significant.

b. Would the project conflict with any applicable land use plan, policy, or regulation of an agency with jurisdiction over the project (including, but not limited to the general plan, specific plan, local coastal program, or zoning ordinance) adopted for the purpose of avoiding or mitigating an environmental effect?

The proposed project would be located within the California Coastal Zone and subject to a CDP from the CCC. Local governments, in partnership with the CCC, use the LCP implementing policies as a guide to future development activities within the coastal zone. The City of San Diego and City of Del Mar have certified LCPs that would apply to the project area.

A potential or actual conflict between a proposed project and policy does not, in itself, indicate a significant effect on the environment within the context of CEQA. A policy inconsistency is considered significant pursuant to CEQA only when it would result in a significant, adverse physical environmental impact. As described in Section 5.4, “Biological Resources,” the biological study area for the proposed project includes areas that are recommended to be classified Environmentally Sensitive Habitat Areas

(ESHAs) per the CCA, and habitat values contained within an ESHA must be protected against significant disruption. The proposed project could conflict with a number of policies that have been adopted to protect sensitive habitat or animal species. If unmitigated, potential conflicts with policies presented in the Analysis of Relevant Plans and Policies (Appendix G) could result in significant impacts on the environment. Potential impacts on ESHAs would be reduced with Mitigation Measures (MM) **BR-2**, **MM BR-4**, and **MM BR-6**, outlined in Section 5.4, “Biological Resources.”

As previously discussed, per General Order No. 131-D, CPUC projects are exempt from local land use regulations and discretionary permitting. Accordingly, the CPUC will continue to coordinate with the local agencies regarding the project components as they relate to land use. In general, most of the relevant policies address protecting natural resources from conflicts that may arise from encroachment and incompatible land uses. In the main, most local planning documents support the undergrounding of utilities and removal of infrastructure from sensitive environmental areas.

Environmental plans and policies are those, like the San Diego MSCP, LCP, and CCA that directly address environmental issues and/or contain targets or standards that must be met in order to preserve or improve the characteristics of the area’s physical environment. While implementation of the proposed project may result in temporary construction-related impacts and would require work within sensitive environmental areas, SDG&E would implement mitigation measures to reduce potential environmental impacts and thus would not lead to a conflict with local planning documents. Once operational, the electrical network would operate similarly to existing conditions, albeit with infrastructure within San Dieguito Lagoon and Los Peñasquitos Lagoon removed from service. As a result, SDG&E maintenance crews would no longer require access to these environmentally sensitive areas for maintenance.

The proposed project, with mitigation identified in topical sections in this Initial Study, would not obviously or substantially conflict with any such adopted environmental plan or policy, and the impact would be less than significant.

Significance: Less than Significant with Mitigation Incorporation.

c. Would the project conflict with any applicable habitat conservation plan or natural community conservation plan?

The majority of the project area is located within areas protected under the City of San Diego MSCP. In addition, small portions of the project area within Los Peñasquitos Lagoon and the Torrey Pines State Natural Reserve Extension are located within the area covered by the City of San Diego MHPA. As analyzed in Section 5.4, “Biological Resources,” the applicant shall adhere to **MM BR-2**, which would ensure that all ESAs, including ESHAs, are demarcated to prevent substantial adverse effects, including destruction or degradation of habitat and species associated with project activities involving trampling, water runoff, and sedimentation.

Significance: Less than Significant with Mitigation Incorporation.

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